

CITY OF NEWTON

CITY COUNCIL

April 18, 2017

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming two-family residential use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The proposed extension of the nonconforming two-family use is not substantially more detrimental than the existing nonconforming use is to the neighborhood because the two-family use has existed on site for many years and the lot will comply with the dimensional controls of an old lot in the Single Residence 2 zone (§3.4.1 and §7.8.2.C.2).
2. The applicant's proposed construction of a sidewalk along the frontage of Westbourne Road is a public benefit to the City that will enhance the safety of pedestrians and improve vehicular circulation in the immediate neighborhood.

PETITION NUMBER: #62-17

PETITIONER: Ronald K. Gold

LOCATION: 489-491 Commonwealth Avenue, on land known as Section 73, Block 43, Lot 01, containing approx. 20,136 square feet of land

OWNER: Ronald K. Gold

ADDRESS OF OWNER: 30 Wildwood Avenue
Newton, MA 02465

TO BE USED FOR: Two-family dwelling

EXPLANATORY NOTES: §3.4.1 and §7.8.2.C.2 to extend the nonconforming two-family use

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Civil Plan Set, prepared, stamped and signed by Verne T. Porter Jr., Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer, consisting of the following five (5) sheets:
 - i. "Existing Conditions Site Plan", dated December 28, 2016, revised on March 10, 2017;
 - ii. Proposed Conditions Site Plan", dated December 28, 2016, revised on March 10, 2017;
 - iii. "Proposed Grading Plan", dated December 28, 2016, revised on March 10, 2017;
 - iv. "Proposed Utility Plan", dated December 28, 2016, revised on March 10, 2017;
 - v. "Proposed Detail Sheet", dated December 28, 2016, revised on March 10, 2017;
 - b. Architectural Plan Set, entitled Commonwealth Ave. LLC, 489-491 Commonwealth Avenue, prepared by Slocum Hall Design Group, consisting of the following six (6) sheets:
 - i. A100, Proposed Basement Plan
 - ii. A101, Proposed Main Floor Plan
 - iii. A102, Proposed Second Floor Plan
 - iv. A200, Proposed Exterior Elevations
 - v. A201, Proposed Exterior Elevations
 - vi. A001, 3D Views
 - c. Landscape Plan, signed and stamped by Jane Shoplick, Registered Landscape Architect.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. The petitioner shall comply with the City's Tree Preservation Ordinance.
4. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review to the Director of Planning and Development.
5. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

6. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. De-watering methodology.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.
7. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.

- d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtained a written statement from the Engineering Division of Public Works that confirms receipt of a certified Copy of the O&M Plan in accordance with Condition #5.
 - f. Received final approval from the Director of Planning and Development for the Final Landscape Plan.
 - g. Received final approval from the Director of Planning and Development for the Construction Management Plan.
8. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement by a registered architect and professional engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format by a licensed surveyor.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details, including the sidewalk extensions, have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
9. Notwithstanding the provisions of Condition #8. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.